

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS
Tuesday, January 26, 1999**

- 7:30 a.m. – 8:30 a.m. Commissioners' Staff Meeting.
- 8:30 a.m. – 9:00 a.m. Work Session – Operations Division Manager/District Maintenance Supervisors.
- *T 9:00 a.m. – 10:00 a.m. Public Works Department – Chal Martin, Director.
- 1) Discussion – Rebate of Solid Waste Fees to Non-Municipal Customers.
 - 2) Discussion – Solid Waste Tip Fee/Rate Analysis.
 - 3) Signature – TransAid Funding Agreements with Washington State Department of Transportation (WSDOT) for Fish Passage Barrier Grant Program:
 - A) Lorenzen Creek Culvert Replacement.
 - B) Parsons Creek.
 - 4) Signature – Resolution Authorizing the County Engineer as Local Agency Agreement Signatory for Cook Road Reconstruction Project, CRP ES63000-6 and Farm-to-Market Road Reconstruction Project, CRP ES31010-2.
 - 5) Signature – Resolution Establishing Policies and Procedures for Use of the Public Works Department Consultant Services Roster.
 - 6) Miscellaneous.
- 10:00 a.m. – 11:00 a.m. Planning & Permit Center – Tom Karsh, Director.
- 1) Review and Possible Action on a Recorded Motion from the Planning Commission amending the Critical Areas Ordinance Section 14.06.040, Definition of Agriculture Land and On-Going Agriculture.
 - 2) Review and Possible Action on a Recorded Motion from the Planning Commission amending the Critical Areas Ordinance #16960, specifically Skagit County Code Sections 14.06.040, 14.06.140, and 14.06.150.
 - 3) Re-Issue of Public Service Announcements on ESB 6094 and Secondary Forest/Natural Resource Lands Citizen Advisory Committees.
 - 4) Discussion and Possible Adoption of Permanent Regulations relating to the Planning Commission's Recommendation on Interim Ordinance No. 17210, relating to Skagit County Code Section 14.04.126 – Mineral Resource Overlay.
 - 5) Miscellaneous.
- 11:00 a.m. – Noon Public Hearing – To Consider Testimony regarding Skagit County Use of Community Development Block Grant Funding.

The Skagit County Board of Commissioners met in regular session on Tuesday, January 26, 1999, with Commissioners Ted W. Anderson, Harvey Wolden, and Robert Hart present.

PUBLIC WORKS DEPARTMENT – Chal Martin, Director.

1. Discussion – Rebate of Solid Waste Fees to Non-Municipal Customers.

Robin LaRue, Solid Waste Division Manager, discussed a proposed rebate for Waste Management/Rural Sanitation. He stated that a methodology to rebate the amount refunded back to customers is being formulated. It was discussed among the Board and Staff, the desire to have everyone in the County benefit from this cost

RECORD OF THE PROCEEDINGS

Tuesday, January 26, 1999

Page #2

reduction by the end of 1999. A discussion ensued regarding the rebate going to the "man on the street" rather than in to the coffers of the cities or companies.

Mr. LaRue advised that he would prepare a resolution that lists the exact tonnages and dollar amounts. This would involve approximately \$112,000 to be refunded to Rural Sanitation.

2. Discussion – Solid Waste Tip Fee/Rate Analysis.

Mr. LaRue discussed and reviewed a rate model for the solid waste tip fees. He stated that this model was developed after interest expressed by the Board in implementing an additional \$5/ton rebate to the municipalities and rural customers. Mr. LaRue requested that the Board allow additional time to complete the analysis to see exactly where the numbers would end up.

Commissioner Wolden asked if the figures could be developed prior to March 1. Therefore, the new rates could be effective March 1.

Commissioner Hart stated that this forces our customers to step up to the plate to, in turn, rebate to their customers. There should be some change in the bill to the customer.

Chairman Anderson stated that the model presented looks most favorable.

Mike Woodmansee, County Administrator, indicated that we are leaving ourselves right at the line of having a prudent amount if there is a landfill problem, and that the proposed model would impinge the County making capital improvements. He indicated that two weeks should be enough time to further develop this scenario, and to determine what capital improvements could be left in, and what items would have to be left out.

The Board agreed on the need to look at a March 1 implementation date.

3. Signature – TransAid Funding Agreements with Washington State Department of Transportation (WSDOT) for Fish Passage Barrier Grant Program:

A. Lorenzen Creek Culvert Replacement.

Dave Brookings, Public Works Administrator, presented a funding agreement with the Washington State Department of Transportation for the Fish Passage Barrier Grant Program located at the Dalles Road at Lorenzen Creek for a total amount of \$20,000. Commissioner Wolden moved to approve Agreement as presented by Staff, and Commissioner Hart seconded the motion. The motion passed unanimously. **(Contract No. 04235)**

B. Parsons Creek.

Mr. Brookings presented a funding agreement with the Washington State Department of Transportation for the Fish Passage Barrier Grant Program located at the Parsons Creek for a total amount of \$30,000. Commissioner Wolden moved to approve Agreement as presented by Staff, and Commissioner Hart seconded the motion. The motion passed unanimously. **(Contract No. 04236)**

4. Signature – Resolution Authorizing the County Engineer as Local Agency Agreement Signatory for Cook Road Reconstruction Project, CRP ES63000-6 and Farm-to-Market Road Reconstruction Project, CRP ES31010-2.

Steve Flude, Assistant County Engineer, asked the Board for authorization for the County Engineer to act as Local Agency Agreement Signatory for the Cook Road Reconstruction Project and Farm-to-Market Road Reconstruction Project. He explained that these agreements let the State know and when the County is planning on spending some Federal monies.

RECORD OF THE PROCEEDINGS

Tuesday, January 26, 1999

Page #3

Commissioner Hart stated that it has never been a problem bringing these agreements to the Board for signature in the past, and that does not feel the need to transfer that authority. He asked for additional justification to change current procedure.

Mr. Martin stated that he prefers to bring the paperwork before the Board, as it keeps the Board apprised of what is happening, but, in this case, these documents are just an administrative requirement of how we are obligating Federal monies. He explained the processing of these agreements, and the paperwork flow.

Commissioner Wolden suggested the utilization of the Consent Agenda to accomplish the expeditious routing of this paperwork. He concurred with Commissioner Hart that he is not interested in relinquishing any authority or review on these large projects.

Chairman Anderson further concurred that could not support this proposal relinquishing the Board's authority.

5. Signature – Resolution Establishing Policies and Procedures for Use of the Public Works Department Consultant Services Roster.

Mr. Flude reviewed the process of contracts with consultants and the requirement by RCW to maintain a list of consultants. He advised that policies and procedures have been drafted for the use of a Professional Services Roster. He asked the Board to approve a Resolution establishing Policies and Procedures for use of the Public Works Department Consultant Services Roster.

Mr. Martin explained the particulars of the intended roster.

Commissioner Hart stated that when the County has a big project on the horizon, we should have the foresight to go out for a Request for Qualifications utilizing the County's regular process.

Commissioner Anderson commented on the need to make the playing field equal for all firms interested in submitting their qualifications. He stated that he could not support the resolution because it limits competition.

Ed Hawes, Public Works Department Staff, detailed the current consultant process.

Commissioner Wolden questioned the \$100,000 limit, and Mr. Martin responded that this is a reasonable limit that is workable.

Commissioner Hart commented on the need to evaluate several different consultants.

Mr. Hawes stated that consultants must be hired on their level of expertise rather than on price. He indicated that the most qualified firms are brought in for an interview, then the Department selects the firm most qualified and enters into negotiations for the price.

After a brief discussion, Commissioner Hart moved to approve the Resolution as presented by Mr. Flude. Commissioner Wolden seconded the motion. Upon call for the question, Commissioners Hart and Wolden voted for the motion, and Chairman Anderson voted "nay." The motion passed. **(Resolution No. 17295)**

6. Miscellaneous.

A discussion ensued regarding Cape Horn Road and the erosion of bank along the Skagit River. Mr. Brookings indicated that this area has been watched for a couple of years, and it is now necessary to accomplish a long-term fix to the erosion of the bank. He indicated that he has had conversations with the Forest Service as this is within the Wild & Scenic River designation, and that a conceptual project has been developed. He explained that an early estimate is approximately \$250,000 to \$300,000 for installation of rock and vegetation planting. He indicated that the permit process would be started immediately, and may take as long as six months to complete. However, short-term items such as anchoring large trees will begin shortly. A discussion ensued on the possible need to declare an emergency situation to proceed with needed work.

The exact location of the project was described in detail.

PLANNING & PERMIT CENTER – Tom Karsh, Director.

1. Review and Possible Action on a Recorded Motion from the Planning Commission amending the Critical Areas Ordinance Section 14.06.040, Definition of Agriculture Land and On-Going Agriculture.

Kendra Smith, Assistant Director, advised that the two definitions under consideration are for Agriculture Land and On-Going Agriculture. She explained that the County is under orders from the Western Washington Growth Management Hearings Board (WWGMHB) to clarify these definitions. The original deadline for completing this task was January 15, but the County was granted an extension through January 29th. She explained the history of this situation.

A discussion ensued on the appropriateness of the proposed definitions and the restrictions implied on the intent of the Critical Areas Ordinance. Chairman Anderson expressed his concern regarding the rural resource land designation.

Commissioner Hart moved to approve the Planning Commission's Recorded Motion amending the Critical Areas Ordinance Section 14.06.240, Definition of Agriculture Land and On-Going Agriculture. The motion was seconded by Commissioner Wolden. The motion passed, with Commissioners Hart and Wolden voting for the motion, and Commissioner Anderson voting "nay." **(Ordinance No. 17296)**

2. Review and Possible Action on a Recorded Motion from the Planning Commission amending the Critical Areas Ordinance #16960, specifically Skagit County Code Sections 14.06.040, 14.06.140, and 14.06.150.

Ms. Smith reviewed the history of the Critical Areas Ordinance, which was adopted on April 14, 1998, and was appealed due to failure to follow the adopted public participation program, and for lack of clarity as far as enforcement and future monitoring. The appeal also argued that the County did not use best available science in forming this ordinance.

Ms. Smith explained that the public participation program was followed in amending the ordinance, and languages changes were made to improve clarity. She reviewed the public hearing process with the Planning Commission, and the receipt of written correspondence addressing concerns regarding monitoring and enforcement.

After a brief discussion, Ms. Smith advised that it is the Department's recommendation to send this back to the Planning Commission for further clarification of the enforcement and monitoring issues, or for the Board to hold their own public hearing to consider public testimony.

Commissioner Hart commented that without a monitoring function, the ordinance will again be appealed, and he suggested that the Board should hold their own public hearing.

Commissioner Wolden concurred, and urged Staff to schedule the hearing as soon as possible.

Commissioner Hart moved to hold the Board's own public hearing to consider the amended portion of the Critical Areas Ordinance. Commissioner Wolden seconded the motion, and it passed with a unanimous vote.

(Staff to provide Call for Public Hearing and Public Notice at a later date)

3. Re-Issue of Public Service Announcements on ESB 6094 and Secondary Forest/Natural Resource Lands Citizen Advisory Committees.

Gary Christensen, Assistant Director, advised the Board that in December public service announcements were published regarding the County's interest in having citizens serve on two citizen advisory committees (CAC), those being ESB 6094 and Secondary Forest/Natural Resource lands. He stated that we did not receive the number of responses that we were hoping to receive. He asked the Board to re-issue the announcements to attempt to garner more interest now that the holidays are over. The Board agreed to re-issue the public service announcements as indicated by Mr. Christensen.

RECORD OF THE PROCEEDINGS

Tuesday, January 26, 1999

Page #5

4. Discussion and Possible Adoption of Permanent Regulations relating to the Planning Commission's Recommendation on Interim Ordinance No. 17210, relating to Skagit County Code Section 14.04.126- Mineral Resource Overlay.

Guy McNally, Planning Staff, reviewed the recorded motion received from the Planning Commission.

Mr. McNally reviewed the Board's options including adopting the Planning Commission's recommendation, remanding the matter back to the Planning Commission for further clarification, or holding the Board's own public hearing to gather additional testimony.

A discussion ensued on the appropriateness of the recommendations of the Planning Commission, and that the document meets the requirements set forth by the Board previously.

Commissioner Hart moved to approve the recorded motion of the Planning Commission as presented by Mr. McNally. Commissioner Wolden seconded the motion. The motion passed unanimously. **(Ordinance to be provided by Staff at a later date)**.

5. Miscellaneous.

- A. Ms. Smith asked the Board to extend the written comment period for the Interim Short CaRD Ordinance to February 8, even though the Board approved such ordinance last week. Ms. Smith explained that some of the copies of the draft ordinance that were made available to the public, did not include the most current changes. Ms. Smith explained that the Board could then decide whether their previous action would be changed. Commissioner Wolden moved to extend the written comment period through February 8, 1999, at Noon. Commissioner Hart seconded the motion, and it passed unanimously.
- C. Mr. Christensen presented a resolution to establish a Citizen Advisory Committee for updating the Skagit County Coordinated Water System Plan. After a brief discussion, Commissioner Hart moved to approve the Resolution as presented by Mr. Christensen. Commissioner Wolden seconded the motion, which passed with a unanimous vote. **(Resolution No. 17297)**
- D. Mr. Christensen presented the Board with a copy of a transmittal to the Western Washington Growth Management Hearings Board for a status report on long-term issues regarding matters that are before them. This explains to the WWGMHB what we have done, what we are going to do, and our timelines for same.

PUBLIC HEARING – TO CONSIDER TESTIMONY REGARDING SKAGIT COUNTY USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING.

Chairman Anderson opened the public hearing.

Paul Schissler, County Grant Writer, reviewed a memorandum to the Board outlining the use of Community Development Block Grant Funding and potential new uses of grant funds for the new year.

There being no public comment forthcoming, Commissioner Wolden moved to close the public hearing. Commissioner Hart seconded the motion. The motion passed unanimously. The public hearing was closed.

Commissioner Hart moved to confirm the grants held in the past, and authorized various departments to apply for additional grant opportunities regarding the East Skagit County Resource Center. The motion passed with a unanimous vote. **(Resolution to be prepared by Staff at a later date)**

RECORD OF THE PROCEEDINGS

Tuesday, January 26, 1999

Page #6

MISCELLANEOUS.

1. The Board approved a Grant Application for \$10,000 for the Sheriff's Department.
2. Staff presented a Budget Line Item Change totaling \$48,5000. The specific departments affected were reviewed. Commissioner Wolden moved to approve the Resolution as presented by Staff. Commissioner Hart seconded the motion, which passed unanimously. **(Resolution No. 17298)**

ADJOURNMENT.

Chairman Anderson made a motion to adjourn the proceedings. Commissioner Wolden seconded the motion and it passed unanimously.

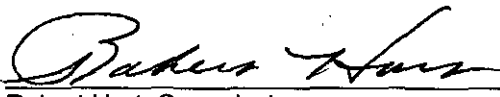
**BOARD OF COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**



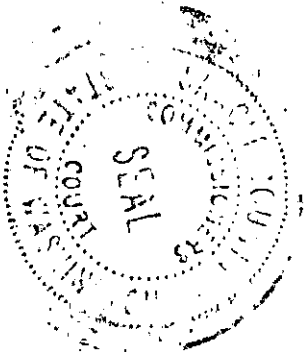
Ted W. Anderson, Chairman




Harvey Wolden, Commissioner



Robert Hart, Commissioner



ATTEST:



Patti J. Chambers, Clerk of the Board
Skagit County Board of Commissioners